

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

OTIS ELEVATOR COMPANY)
Plaintiff,)
)
v.)
)
LOCAL 4, INTERNATIONAL UNION)
OF ELEVATOR CONSTRUCTORS;)
MICHAEL LANGER, individually, and as)
BUSINESS MANAGER; KEVIN)
McGETTIGAN, individually, and as)
BUSINESS REPRESENTATIVE;)
STEVE MORSE, individually, and)
as BUSINESS REPRESENTATIVE; and all)
others conspiring, acting in concert or)
otherwise participating with them or acting)
in their aid or behalf,)
Defendants.)

Docket No. 04-11108 JLT

ORDER EXTENDING TEMPORARY RESTRAINING ORDER

Upon the Summons and Verified Complaint herein dated May 26, 2004, and after hearing the parties and good cause appearing therefore the Court entered an order on May 27, 2004.

Upon review of plaintiff's Motion for Preliminary Injunction and defendant's Opposition thereto it appears that the parties do not oppose the extension of the terms of the temporary restraining order until the Motion for a Preliminary Injunction is heard and determined. Accordingly the Court hereby finds:

(1) A collective bargaining agreement is in effect; (2) that the collective bargaining agreement contains a no-strike clause; (3) that the dispute over the installation of the plunger/cylinder mechanism is covered by the grievance and arbitration provision of the collective bargaining agreement; (4) that the parties have alleged breaches of the collective

bargaining agreement by each other; and (5) that ordinary principles of equity warrant relief. It is therefore ORDERED that pending the determination of plaintiff's application for a preliminary injunction:

Defendant, its officers, agents, representatives, members, employees and attorneys, and all persons in active concert or participation with them having notice from any source or in any manner of the entry of this order be and hereby are enjoined and restrained from calling, causing, inducing, encouraging, authorizing, conducting, continuing in or engaging in any strike, concerted work stoppage, concerted work slow down, sit-down or refusal to work or any other act or coercion or interference with Plaintiff's normal operations.

IT IS FURTHER ORDERED, that Plaintiff's bond shall remain in force and effect for the period this Order is in effect;

IT IS FURTHER ORDERED, that the parties arbitrate the dispute over the installation of the plunger/cylinder mechanism pursuant to the Expedited Labor Arbitration Procedures of the American Arbitration Association; and

IT IS FURTHER ORDERED, that Otis, its officers, agents, employees and attorneys are restrained from imposing discipline on Local 4 members over contract disputes between Otis and Local 4 and from applying to the Court for further equitable relief unless it has first offered to Local 4 the opportunity to arbitrate the underlying dispute pursuant to the Expedited Labor Arbitration Procedures of the American Arbitration Association.

Honorable Joseph L. Tauro
United States District Court